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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,182	11/30/2000	Niels Mache	450117-02928	5601
20999	7590	06/23/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			LAZARO, DAVID R	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/727,182	Applicant(s) MACHE ET AL	
	Examiner David Lazaro	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the RCE filed 04/06/06.
2. Claims 1-21 were amended.
3. Claims 1-21 are pending in this office action.

Response to Amendment

4. Applicant's arguments filed 04/06/06 have been fully considered but they are not persuasive. See Response to Arguments. As such, the grounds of rejection as presented in the 11/08/2005 office action, are respectfully maintained with clarifications made in light of the amendment.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,740,230 by Vaudreuil (Vaudreuil) in view of U.S. Patent 5,958,005 by Thorne et al. (Thorne).
7. With respect to Claim 1, Vaudreuil teaches a system for transmitting messages over a multimedia network from a sending client to a target client, the messages comprising target client information (Col. 1 lines 52-58), the system comprising:

a plurality of message gateways (Col. 7 lines 52-65), each message gateway being configured to receive and transmit over at least one dedicated transfer medium (Col. 7 lines 54-59 and Col. 3 line 66 – Col. 4 line 20), and

a message broker (Col. 7 line 65 – Col. 8 line 1; note the examiner is interpreting the 'remainder of the software system' on the hub to be the message broker) connected to the message gateways (Col. 7 line 65- Col. 8 line 1) and being provided with a client database (Col. 8 lines 46-51 and Col. 9 lines 61-65),

wherein a first message gateway receives a message in a first format (Col. 19 line 20 - Col. 20 line 21) from a sending client over a first transfer medium (Col. 10 lines 37-41 and Col. 12 lines 21-36) and transmits the message and/or an information extracted thereof to the message broker, the message broker automatically selects an appropriate second transfer medium depending on the content of the client database and the supplied message and/or an information extracted thereof (Col. 15 lines 13-20 and Col. 19 lines 49-56), and the message is sent in a second format (Col. 19 line 20 - Col. 20 line 21) to the target client by means of a second message gateway configured for a transmission over the second transfer medium selected by the message broker (Col. 6 lines 46-65), and

wherein messages include meta information containing a plurality of different fields (Col. 24 lines 24-52 - Particularly the labeling feature, and Col. 26 line 31 - Col. 27 line 15 - Particularly the "subject matter field" and the "message content type" field),

wherein the message broker controls the message flow by inspecting the meta information of the messages (Col. 24 lines 24-52 and Col. 26 line 31 - Col. 27 line 15).

Vaudreuil does not explicitly disclose one of the fields being a secure read count and a maximum read count value limiting the maximum reads of the message. Thorne teaches meta information related to a message can include a secure read count and a maximum read count which limit the maximum reads of the message (Col. 8 lines 1-20 and Col. 11 lines 5-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Vaudreuil and modify it as indicated by Thorne such that messages include meta information containing a plurality of different fields, one of the fields being a secure read count and a maximum read count value limiting the maximum reads of the message. One would be motivated to have this as there is need for controlling the circulation and usage of messages (Col. 2 lines 45-56 of Thorne).

8. With respect to Claim 2, Vaudreuil d further teaches wherein a common internal message format is used for the communication respectively between the message broker and the message gateways (Col. 6 line 65 – Col. 7 line 9 and Col. 13 lines 2-15 and Col. 19 lines 36-48 of Vaudreuil)

9. With respect to Claim 3, Vaudreuil further teaches the message gateways are distributed over the network (See Fig. 1 of Vaudreuil – note gateways are part of the hub functionality).

10. With respect to Claim 4, Vaudreuil further teaches the transfer media comprise analog and digital transfer media (Col. 7 lines 49-60 of Vaudreuil).

11. With respect to Claim 5, Vaudreuil further teaches at least one message processor provided between the first and the second message gateway for further processing the content of the message to be transmitted (Col. 19 line 66 – Col. 20 line 8 of Vaudreuil).
12. With respect to Claim 6, Vaudreuil further teaches the client database comprises addresses of clients (Col. 21 lines 41-46), client preferences (Col. 20 lines 9-11) and/or characteristics of the transfer network to the corresponding target client (Col. 20 lines 11-12 of Vaudreuil).
13. With respect to Claim 7, Vaudreuil further teaches the message broker is designed to furthermore perform processing control (Col. 8 lines 22-65 of Vaudreuil) and/or security processing (Col. 28 lines 63-67 of Vaudreuil).
14. With respect to Claim 8, Vaudreuil further teaches the message broker is designed to furthermore perform accounting and/or billing (Col. 9 lines 61-65 of Vaudreuil).
15. With respect to Claim 9, Vaudreuil further teaches a plurality of message brokers is provided (See Fig. 1 of Vaudreuil – note message brokers are a part of hub functionality).
16. With respect to Claim 10, Vaudreuil in view of Thorne teaches all the limitations of Claim 9 and further teaches at least one message broker being connected with a client database with reduced capacity (Col. 7 lines 61-65 and Col. 8 lines 65-67 of Vaudreuil).

17. With respect to Claim 11, Vaudreuil in view of Thorne teaches all the limitations of Claim 1 and further teaches the messages respectively contain a non-granted encrypted and a granted non-encrypted part (Col. 28 lines 63-67 of Vaudreuil).

18. With respect to Claim 12, Vaudreuil teaches a message broker unit for a distributed multimedia system, wherein the unit is designed to autonomously select an appropriate transfer medium out of a plurality of transfer media for messages received in a first format (Col. 19 line 20 - Col. 20 line 21) from a sending client and to be transferred to a target client (Col. 4 lines 46-49 and Col. 19 lines 49-57) in a second format (Col. 19 line 20 - Col. 20 line 21), wherein the message broker (Col. 6 lines 46-48) is connected to a client database (Col. 8 lines 46-51 and Col. 9 lines 61-65) and the transfer medium selection is performed depending on target client information and the content of the client database (Col. 20 lines 9-12 and Col. 6 lines 55-59), and

wherein messages include meta information containing a plurality of different fields (Col. 24 lines 24-52 - Particularly the labeling feature, and Col. 26 line 31 - Col. 27 line 15 - Particularly the "subject matter field" and the "message content type" field),

wherein the message broker controls the message flow by inspecting the meta information of the messages (Col. 24 lines 24-52 and Col. 26 line 31 - Col. 27 line 15).

Vaudreuil does not explicitly disclose one of the fields being a secure read count and a maximum read count value limiting the maximum reads of the message. Thorne teaches meta information related to a message can include a secure read count and a maximum read count which limit the maximum reads of the message (Col. 8 lines 1-20 and Col. 11 lines 5-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the message broker unit disclosed by Vaudreuil and modify it as indicated by Thorne such that messages include meta information containing a plurality of different fields, one of the fields being a secure read count and a maximum read count value limiting the maximum reads of the message. One would be motivated to have this as there is need for controlling the circulation and usage of messages (Col. 2 lines 45-56 of Thorne).

19. With respect to Claim 13, Vaudreuil further teaches the transfer medium selection is performed depending on the target network (Col. 6 lines 55-59 of Vaudreuil), the message type (Col. 20 lines 9-12 of Vaudreuil) and/or client preference contained in the client database (Col. 19 lines 49-56 of Vaudreuil)

20. With respect to Claim 14, Vaudreuil further teaches the messages respectively contain a non-granted encrypted and a granted non-encrypted part (Col. 28 lines 63-67 of Vaudreuil).

21. With respect to Claim 15, Vaudreuil teaches a method for sending messages over a multimedia network from a sending client to a target client, the message comprising target client information (Col. 1 lines 52-58), the method comprising the following steps:

transmitting the message in a first format (Col. 19 line 20 - Col. 20 line 21) from the sending client to a message broker (1) over a first transfer medium (Col. 6 lines 46-48), and

transmitting the message in a second format (Col. 19 line 20 - Col. 20 line 21) to the target client over a second transfer medium, wherein the second transfer medium can be identical to the first transfer medium (Col. 5 lines 60-66),

wherein the message broker selects an appropriate second transfer medium out of a plurality of transfer media depending on the content of a client database (Col. 19 lines 49-56) connected to the message broker (Col. 8 lines 46-51 and Col. 9 lines 61-65) and the target client information (Col. 19 lines 49-56 and Col. 20 lines 9-12), and

wherein messages include meta information containing a plurality of different fields (Col. 24 lines 24-52 - Particularly the labeling feature, and Col. 26 line 31 - Col. 27 line 15 - Particularly the "subject matter field" and the "message content type" field),

wherein the message broker controls the message flow by inspecting the meta information of the messages (Col. 24 lines 24-52 and Col. 26 line 31 - Col. 27 line 15).

Vaudreuil does not explicitly disclose one of the fields being a secure read count and a maximum read count value limiting the maximum reads of the message. Thorne teaches meta information related to a message can include a secure read count and a maximum read count which limit the maximum reads of the message (Col. 8 lines 1-20 and Col. 11 lines 5-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Vaudreuil and modify it as indicated by Thorne such that messages include meta information containing a plurality of different fields, one of the fields being a secure read count and a maximum read count value limiting the maximum reads of the message. One would be motivated to

Art Unit: 2155

have this as there is need for controlling the circulation and usage of messages (Col. 2 lines 45-56 of Thorne).

22. With respect to Claim 16, Vaudreuil further teaches the transmission of the message from the sending client to the target client is performed essentially in real-time (Col. 24 line 63 – Col. 25 line 3 of Vaudreuil).

23. With respect to Claim 17, Vaudreuil further teaches a conversion from the first transfer medium to the second transfer medium is performed depending on the target network (Col. 6 lines 55-59 of Vaudreuil), the message type (Col. 20 lines 9-12 of Vaudreuil) and/or client preference contained in the client database (Col. 19 lines 49-56 of Vaudreuil).

24. With respect to Claim 18, Vaudreuil further teaches before the transmission to the target client, the content of the message is further processed by digital signing, encryption, watermarking and/or translation (Col. 32 lines 57-64 and Col. 28 lines 63-67 of Vaudreuil).

25. With respect to Claim 20, Vaudreuil further teaches the messages respectively contain a non-granted encrypted and a granted non-encrypted part (Col. 28 lines 63-67 of Vaudreuil).

26. With respect to Claim 21, Vaudreuil further teaches that when loaded into a computer, it implements a method according to Claim 15 (Col. 7 lines 47-49 of Vaudreuil and Please refer to Claim 15 rejection).

27. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaudreuil in view of Thorne as applied to claim 15 above, and further in view of U.S. Patent 6,163,796 by Yokomizo (Yokomizo). Vaudreuil in view of Thorne teaches all the limitations of Claim 15 but does not explicitly disclose a lifetime is attributed to each message and transmitting the message only during that lifetime. Yokomizo teaches a message can have a lifetime attributed to it (Col. 6 lines 4-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Vaudreuil in view of Thorne and modify it as indicated by Yokomizo such that a lifetime is attributed to each message and the message is only transmitted until the expiration of the lifetime. One would be motivated to have this as this provides better efficiency in the messaging system (Col. 2 lines 5-9 of Yokomizo).

Response to Arguments

28. Applicants' arguments filed 04/06/06 have been fully considered but they are not persuasive.

29. Applicants argue on page 8 - "*However, Thorne describes security for messages in a single format only...*"

a. Examiner's response - Applicant appears to be directed only against the Thorne reference. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See

In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

b. Under the current grounds of rejection, Thorne is not relied upon to show the feature that a first message gateway receives a message in a first format and that the message is sent in a second format. Vaudreuil is relied upon for such a feature (See Col. 19 line 20 - Col. 20 line 21). The rejection states that Thorne teaches meta information related to a message can include a secure read count and a maximum read reads of the message (Col. 8 lines 1-20 and Col. 11 lines 5-12). Thorne further provides motivation to show that such teachings render the limitations not disclosed by Vaudreuil to be obvious.

c. For these reasons, applicants' arguments are not persuasive.

30. Applicants argue on page 8 of the remarks - "*Further, Thorne describes that a terminal receiving an email, not a message broker....*"

d. Applicants are attacking Thorne individually and do not consider the combination of Vaudreuil and Thorne as a whole. The grounds of rejection presented does attempt to show that Thorne teaches a message broker carrying out the read count functionality, as applicants seem to be implying. Vaudreuil already teaches a message broker that controls the message flow by inspecting the meta information of the messages (See Col. 24 lines 24-52 and Col. 26 line 31 - Col. 27 line 15). The rejection states that Thorne teaches meta information related to a message can include a secure read count and a maximum read

reads of the message (Col. 8 lines 1-20 and Col. 11 lines 5-12). Thorne further provides motivation to show that such teachings render the limitations not disclosed by Vaudreuil to be obvious. Applicants' arguments are not persuasive.

Conclusion

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

32. U.S. Patent 5,333,266 by Boaz et al. "Method and apparatus for message handling in computer systems" July 26, 1994. Discloses an integrated messaging system which integrates mail from a plurality of mail servers handling message of different media types.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for


Art Unit: 2155

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David Lazaro
June 12, 2006


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